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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,314	03/26/2001	Martin Vetterli	123593.00106	8869
27557 7590 04/10/2008 BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037				
EXAMINER NGUYEN, PHU K				
ART UNIT		PAPER NUMBER		
2628				
MAIL DATE		DELIVERY MODE		
04/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/817,314

Applicant(s)

VETTERLI ET AL.

Examiner

Phu K. Nguyen

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-43 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 4-43 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No./Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over LYNDE (6,181,302).

As per claim 1, Lynde teaches the claimed "computerized method for annotating an element of a view," comprising the steps of:

(a) "obtaining a view of an element by an image capture device" (Lynde, the real world image 76);

(b) "obtaining an identification of the element" (Lynde, column 6, lines 24-26, 40-52);

(c) "relating the identification to annotating data associated with the element" (Lynde, column 6, lines 7-17; column 7, lines 28-38); and

(d) "causing the annotating data to be displayed" (Lynde, the display manager 127a; column 5, line 60 to column 6, line 6).

It is noted that Lynde does not explicitly teach "the identification of the element is based on a pointing direction of the image capture device" as claimed. However, given Lynde's nature and manmade geographical features (column 5, lines 63-64) precisely defined on the display, it would have been obvious to relate the Nav glass' direction and angle field of views (column 4, lines 24-26) to the positional identification of the

displayed object because these parameters/factors allow the computer precisely calculates the information of these features (column 6, lines 50-63).

Claim 8 adds into claim 1 "relating the identification to the annotating data comprises referring to a database" (Lynde, the Electronic Nautical Chart database; column 4, lines 54-55).

Claims 12-20 add into claim 1 the displaying of the annotating data (Lynde, column 5, line 60 to column 6, line 6).

Claim 23 adds into claim 1 "the view is taken by a camera" (Lynde, the Nav glasses 26; column 4, lines 6-14).

Claims 24-26, 29 add into claim 1 the identification system which defines the desired object such as radio beacon, meta-information, position and viewing direction, ... (Lynde, tracking information; column 6, lines 30-40, 54-56; column 8, lines 6-15).

Claims 27-28 add into claim 1 "a portable device and touching screen" which would have been obvious to Lynde's movable cursor 61 and trackball 60 (Lynde, the navigation system 22; column 4, lines 26-30, 43-67).

Claim 30 adds into claim 1 "the annotating data is further based upon an analysis of the view" (Lynde, column 5, line 60 to column 6, line 6).

Due to the similarity of claims 21, 31-35, or 22, or 36-37, or 38, 4-11, 39-42, or 43 to claims 1, 8, 13-20, and 23-30; they are rejected under the same reason.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2628

/Phu K. Nguyen/

Primary Examiner, Art Unit 2628